

**Office of the State Public Defender
Administrative Policies
Human Resources**

EXHIBIT 16

Subject: Workplace Safety	Policy No.: 5xx
Title 39	Pages: 5
Section: 71	Last Review Date:
Effective Date: 09-01-07	Revision Date:

1.0 POLICY

1.1 It is the purpose of this policy to promote employee health and safety and to establish and administer a safety program pursuant to the Workers' Compensation provisions of MCA 39-71 and the Montana Safety Culture Act, MCA 39-71-1501. The Montana Safety Culture act requires each public or private employer to establish and administer a safety program in accordance with rules adopted by the Department of Labor pursuant to 39-71-1505.

- 1.2** The frequency and severity of workplace accidents and injuries will be minimized by:
- A. Creating an Office of the State Public Defender (OPD) Safety Committee; and
 - B. Assigning authority, responsibility and accountability to OPD employees and supervisors for implementing the OPD Safety Program.

2.0 RESPONSIBILITIES/REQUIREMENTS

2.1 Chief Public Defender

The Chief Public Defender is ultimately responsible for minimizing work-related losses and accidents by encouraging and supporting an agency-specific safety program. To accomplish this, the Chief Public Defender will:

- A. Ensure this safety policy is followed by all public defender offices statewide.
- B. Appoint a Safety Committee Chairperson (SCC) to work with the Regional Deputy Public Defenders and the Managing Attorneys (supervisors) in implementing the safety program.
- C. Require that all supervisors be responsible for providing new employees an orientation which includes a safety component.
- D. Require that all employee job profiles and performance appraisals include safety-related requirements.

2.2 Safety Committee

It is the responsibility of the Safety Committee to:

- A. Recommend to supervisors safety training and awareness programs or topics that could be made available to OPD employees.
- B. Recommend to supervisors safety policies, practices and procedures.
- C. Assist supervisors in training OPD employees on safety-related topics.
- D. Assist supervisors in monitoring the workplace for safe practices.
- E. Develop incentive programs to promote safety.
- F. Gather and review safety checklists created by safety professionals and others that relate to work environments within the OPD. These checklists will be available to assist supervisors with monitoring and addressing work place issues for obvious safety hazards within their work area.

- G. Assist supervisors in finding new members for building Employee Safety Units (ESU). ESU's are groups of employees designated to take responsibility for various roles in the event of an emergency evacuation of a building.
- H. Assist supervisors in educating employees on the Emergency Action Plans for each occupied building. Suggest appropriate updates to these plans.
- I. Assist the SCC in creating and maintaining a Safety Committee website where safety guidelines and prepared safety information is available.
- J. Suggest replacements for Committee members who can no longer serve.

2.3 Safety Committee Chairperson

The SCC will:

- A. Organize and chair meetings of the Safety Committee.
- B. Meet at least quarterly with supervisors to give updates on Committee activity and other safety issues.
- C. Serve as the OPD liaison to the Department of Administration Safety Committee.

2.4 Human Resource Officer

The OPD Human Resource Officer will:

- A. Work with the Safety Committee to make sure that appropriate safety information is provided during new employee orientation and other appropriate times. New employees are required to sign a statement that they have received the OPD Workplace Safety Policy.
- B. Work with supervisors:
 - 1. To ensure that any documented special needs of employees regarding safety are met.
 - 2. Assist supervisors in including safety performance standards in performance appraisals by providing model language.
 - 3. Work with supervisors to ensure enforcement of safety standards and requirements are included in job profiles.
 - 4. Provide resource information to supervisors for office inspections by seeking assistance and training services from the Department of Labor and Industry's Employment Relations Division, the State Fund, the Risk Management and Tort Defense Division and worker's compensation program manager.
 - 5. Provide training to supervisors on how to report workplace accidents.
- C. Serve as the main point of contact for reporting accidents to the State Fund and report all accidents to the State Fund within 48 hours.

2.5 Risk Management and Tort Defense Division

The Risk Management and Tort Defense Division will:

- A. Assist the Safety Committee with risk management advice and training related to auto, property and other risks.
- B. Provide suggestions regarding changes in practices, training, policies, and procedures as requested.

2.6 Office of the State Public Defender Supervisors

OPD Supervisors will:

- A. Report workplace accidents and injuries to the Human Resource Officer within 24 hours on the "First Report of Injury" form ([link to online document](#)). Additional forms may also be required ([link to online documents](#)).

- B. Actively participate in safety training and keep abreast of safety initiatives. Work with Safety Committee members concerning the Emergency Action Plan. Conduct safety inspections of the work area. Monitor and address work place issues for obvious safety hazards. This document ([link to online document](#)) can be edited to meet the requirements of individual offices.
- C. Encourage employees to feel free to report any potential safety problems or change in process that would make the job or work space safer.
- D. Ensure employees receive, and discuss with them, prepared workplace safety information.
- E. Ensure that new employees or employees new to a specific job receive safety orientation on how to conduct their jobs safely.
- F. Ensure that personal protective equipment is used by employees and that it is available, maintained, and replaced when necessary.
- G. Ensure that emergency contact information and General Services Division (GSD) Safety Guidelines are available to employees. Current GSD Safety Guidelines can be found here ([link to online document](#)).
- H. Work with the Human Resources Officer to ensure that safety performance is part of each employee's written performance appraisal and job profile.
- I. Supervisors will perform safety inspections, at least quarterly, of offices.

2.7 Office of the State Public Defender Employees

Every employee of the Office of the State Public Defender is responsible to maintain an awareness of safety concerns, use common sense and comply with all state and federal safety and health regulations and policies.

OPD Employees will:

- A. Participate in new employee orientation as required at time-of-hire.
- B. Participate in on-the-job safety training.
- C. Report incidents and accidents to their supervisor or designee, regardless if medical attention is required. The "First Report of Injury" form ([link to online document](#)) must be completed by the employee and supervisor within 24 hours of the incident or accident.
- D. Assist in accident investigations and early-return-to-work programs.
- E. Participate in Safety Committee meetings when requested.
- F. Use required personal protective equipment.
- G. Report safety hazards to supervisor and/or safety representative.

3.0 PROCEDURES

Employees and Supervisors must regularly check for and take appropriate action to provide for a safe work environment:

- A. Obstruction of fire exits
- B. Misuse of heating appliances
- C. Overloading of electrical circuits and plug-ins
- D. Electrical hazards
- E. Proper illumination for exit signs
- F. Excessive flammables stored in offices
- G. Excessive clutter in offices or storage spaces
- H. Blocked hallways

4.0 APPENDICES

All appendices listed in this policy can be found on the Office of the State Public Defender Intranet site ([link](#)). For assistance in locating this site, please contact your supervisor, network support personnel or the Human Resource Officer.

5.0 CROSS-REFERENCE GUIDE

The following laws, rules or policies may contain provisions that might modify a decision relating to this policy. The list should not be considered exhaustive; other policies may apply.

5.1 Federal Laws

Family Medical Leave Act
Americans with Disabilities Act

5.2 State Laws

Section 39-71-101 – 39-71-123, MCA	Compensation Act
Section 39-71-1505, MCA	Safety Culture Act
Section 49-10101 – 49-4-501, MCA	Montana Human Rights Act

5.3 State Policies (Montana Operations Manual)

MOM 3-0335 Annual Vacation Leave
MOM 3-0310 Sick Leave
MOM 3-0311 Sick Leave Fund
MOM 3-0315 Disability and Maternity
MOM 3-0320 Disaster and Emergency Leave
MOM 3-0330 Leave of Absence Without Pay
MOM 3-0130 Discipline Handling Policy

State of Montana Capitol Complex Disaster and Emergency Plan (available from the General Services Division)

6.0 CLOSING

This policy shall be followed unless it conflicts with negotiated labor contracts or specific statutes, which shall take precedence to the extent applicable.

Violation of any provision of this policy may result in disciplinary action up to and including termination. Any violations of this policy should be reported to your supervisor or the Human Resource Officer.

Questions about this policy can be directed to your supervisor or to the OPD Human Resource Officer at:

Office of the State Public Defender
Administrative Service Division
44 West Park
Butte, MT 59701

(406) 496-6091

ATTACHMENT A

**WORKPLACE SAFETY
ACKNOWLEDGEMENT FORM**

By signing this form I acknowledge that I have read the "Workplace Safety" policy and I understand that I am bound by the requirements in that policy.

I know that I may direct any and all questions about the policy to my supervisor or the Human Resource Officer before signing or at any time in the future.

PRINT NAME: _____

SIGNATURE: _____

DATED: _____

This form must be signed and returned to:

Office of the State Public Defender
Human Resource Office
44 West Park
Butte, MT 59701

(406) 496-6091